

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICCO D. SLADE,

Plaintiff,

-against-

CORRECTIONAL HEALTH JOHN DOE,

Defendant.

23-CV-1419 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently detained in the Anna M. Kross Center on Rikers Island, is proceeding *pro se*. By order dated March 13, 2023, the Court directed Plaintiff to file an amended complaint. (ECF 5.) The Court received Plaintiff's amended complaint on March 27, 2023. (ECF 6.) On April 10, 2023, the Court received a letter from Plaintiff stating that the amended complaint, as docketed, is missing a page. (ECF 7.) Specifically, Plaintiff states that along with the amended complaint form, he filed three handwritten pages but one of those pages, which he hand-numbered as page two, is missing from the copy of the amended complaint on the docket. Plaintiff says that the second page was written on the back of the first page, and asks that "the 2nd page be digitized as well."¹ (*Id.*, at 1.)

The Clerk's Office has retrieved the hard copy of Plaintiff's amended complaint, and it has confirmed that each page of the amended complaint that was received has been scanned and docketed. The amended complaint, as received, did not include a hand-numbered page two.

Because Plaintiff's amended complaint is incomplete, the Court directs Plaintiff, within 30 days, to submit a complete copy of his full amended complaint. Alternatively, Plaintiff may

¹ Plaintiff is correct that the amended complaint appears to be missing a page; it includes hand-numbered pages 1 and 3, but not a hand-numbered page 2. (*See* ECF 6, at 5-6.)

submit only the page he believes is missing. If Plaintiff does not comply with this order within the prescribed time, the Court will construe the amended complaint as it is docketed (ECF 6) as the operative pleading in this action.

CONCLUSION

The Court directs Plaintiff to submit a complete copy of the amended complaint. Alternatively, Plaintiff may submit only the page he believes is missing. Plaintiff must submit the complete amended complaint or missing page to this Court's Pro Se Intake Unit within 30 days of the date of this order, and label his submission with docket number 23-CV-1419 (LTS). If Plaintiff fails to comply within the time allowed, the Court will construe the amended complaint as it is docketed (ECF 6) as the operative pleading in this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 12, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge